



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.854 of 2017
and
C.M.P. (MD).No.5790 of 2017

1.The Secretary,
State of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai.

2.The Commissioner of Survey and Settlement,
Survey House, Chepauk,
Chennai.

3.The Assistant Director of Survey
and Land Records,
Pudukottai, Pudukottai District.

... Appellants/
Respondents 1 to 3

vs.

1.K.Veerammal

...1st Respondent/Petitioner

2.R.Meenakshi

3.D.Senthilkannan

... Respondents 2 & 3/
Respondent 4 & 5

Prayer : Writ Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order, dated 31st January, 2017 passed in W.P(MD). No.13384 of 2011 and M.P(MD).No.2 of 2011 and allow the writ appeal.

Prayer in WP(MD). 13384/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the 3rd respondent in revising the seniority made in his proceedings in Na.Ka.A11/6288/2011 dated 14.07.2011 and the consequential order on temporary promotion to the 4th and 5th respondent herein in Na.Ka.A11/6288/2011 dated 02.11.2011 and to quash the same and



direct the 3rd respondent to promote the petitioner to the post of Senior Grade Draughtsman, Pudhukottai District and thus render justice.

For Appellants

: Mr.M.Govindan
Spl.Govt. Pleader

WEB COPY

For Respondents

: Mr.N.Dilipkumar

J U D G M E N T

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.,)

The Government of Tamil Nadu has filed the instant writ appeal questioning the order dated 31st January, 2017 allowing W.P(MD).No. filed by the first respondent herein.

2.The first respondent herein had filed the said writ petition questioning the downgrading of her seniority. The issue relates to fixation of seniority of the writ petitioner in the post of Surveyor cum Draughtsman. The issue of the writ petitioner's seniority vis-a-vis the respondents 2 and 3 herein has to be decided only with reference to the date on which they were regularized. In the common order dated 22nd January 2007 made in WP(MD).No.27767 and 27768 of 2006, it had already been categorically noted that the writ petitioner K.Veerammal was regularized in the post of Surveyor cum Draughtsman with effect from 11th October 1991. On the other hand, the second respondent herein Mrs.Meenkshi and the third respondent herein Thiru.D.Senthil Kannan were regularized in the post of Surveyor cum Draughtsman only with effect from 10th August 1992 and 18th January 1993.

3.Since it is very obvious that the respondents 2 and 3 herein were junior to the first respondent herein, on account of their joining the service later in point of time, placing the second and third respondents herein above, the writ petitioner / first respondent in the seniority list can only be termed as illegal.

4.The learned single Judge rightly allowed the writ petition by quashing the order impugned in the writ petition. The learned Single Judge had also issued certain consequential directions. We sustain the same. We find absolutely no merit in the writ appeal. Confirming the order impugned in the writ petition, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(A.E)

/True Copy/

Sub Assistant Registrar



To

1.The Secretary,
State of Tamil Nadu,
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Secretariat,
Chennai.

2.The Commissioner of Survey and Settlement,
Survey House, Chepauk,
Chennai.

3.The Assistant Director of Survey
and Land Records,
Pudukottai, Pudukottai District.

+1cc to Mr.S.BALAKARTHICK Advocate in SR. NO.63292

ARUL/SKM

JS/MR/KKR/SAR.2/18.7.2017/3P-5C

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